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# Message Text

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ACTION STR-04

INFO OCT-01 IO-13 ISO-00 STRE-00 FEA-01 AGRE-00 CEA-01
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OMB-01 XMB-02 DOTE-00 FMC-01 CG-00 DLOS-09 OES-07
EUR-12 /120 W
----------045962 230746Z /14
P R 221727WUZ JUN 77
FM USMISSION GENEVA
TO SECSTATE WASHDC PRIORITY 8508
INFO ALL EC CAPITALS

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USMTN

ACTION STR

H PASS CODEL

BRUSSELS FOR USEC

E.O. 11652: NA
TAGS: ETRD MTN
SUBJECT: US-EC QR CONSULTATIONS UNDER NTM SUBGROUP PROCEDURES

1. SUMMARY: US-EC HELD CONSTRUCTIVE CONSULTATIONS ON
QR NOTIFICATIONS, WITH BOTH SIDES AGREEING TO SEEK
FURTHER CLARIFICATION WITH RESPECT TO CERTAIN MEASURES.
REPORTS WILL BE SUBMITTED TO THE QR SUBGROUP. END SUMMARY.

2. INITIAL CONSULTATIONS ON QR NOTIFICATIONS UNDER THE
PROCEDURES OF THE QR SUBGROUP WERE HELD BETWEEN THE
US AND EC ON JUNE 20. EC (ABBOTT) SAID PURPOSE OF CON
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SULTATION WAS FOR INFORMATION EXCHANGE AND TO REGISTER
EC INTEREST IN SPECIFIC QRS. US (WALLAR) AGREED,
STATING THAT US NOTIFICATIONS WERE NOT EXHAUSTIVE AND
THAT WE RESERVE RIGHT TO MAKE ADDITIONAL NOTIFICATIONS.

3. SUMMARY OF DISCUSSION OF EC NOTIFICATIONS ON US
QRS IS AS FOLLOWS:

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A. MERCHANT MARINE ACT OF 1920: THIS QR IS OF PRIMARY INTEREST TO EC. ABBOTT TOOK OPPORTUNITY OF THE CONSULTATION TO EXPRESS DISSATISFACTION WITH BROAD RANGE OF US SHIPPING LEGISLATION, INCLUDING THE EXPANSION OF COVERAGE OF US PROHIBITION ON COAST-WISE TRADE BY FOREIGN VESSELS UNDER THE "JONES ACT" AND THE DOMESTIC MATERIAL REQUIREMENTS FOR SHIPS BUILT UNDER THE MERCHANT MARINE ACT OF 1936. IN PARTICULAR, EC CITED EXTENSION OF JONES ACT TO COVER SHIPPING ACTIVITIES IN THE OUTERCONTINENTAL SHELF, HOVERCRAFT (U.K. EXPORTS IN 1976 TO OTHER COUNTRIES WERE 2.5 MILLION POUNDS) AND INFLATABLE RAFTS FOR "WHITE RIVER RUNNERS". THE LATTER, ACCORDING TO ABBOTT, ARE ALREADY SUBJECT TO STRINGENT COAST GUARD SAFETY REGULATIONS. IN ADDITION, THE "JONES ACT" HAS CAUSED U.S. COMPANIES OPERATING IN THE NORTH SEA OIL FIELDS TO PURCHASE US SHIPS SO THEY CAN BE USED IN THE US AFTER THE NORTH SEA PROJECTS HAVE BEEN COMPLETED. THE EC ESTIMATES A LOSS OF POTENTIAL SALES OF 100 SHIPS CONSTITUTING AN INVESTMENT OF 2 MILLION POUNDS EACH. ABBOTT REGISTERED CONCERN ON JONES ACT PROVISIONS WHEREBY A US VESSEL REFURBISHED ABROAD COULD BE RE-CLASSIFIED AS FOREIGN VESSEL AND THUS BE PROHIBITED FROM ENGAGING IN US COASTWISE TRADE. THE EC CRITICIZED THE MERCHANT MARINE ACT OF 1936 FOR ESTABLISHING DEGREE TO WHICH SHIP CAN INCORPORATE FOREIGN EQUIPMENT AND STILL BE CONSIDERED US VESSEL AND INDI-



CATED A SPECIFIC INTEREST IN SAFETY EQUIPMENT AND CONTAINERS. ABBOTT ALSO NOTED THAT FAVORABLE FINANCING TERMS FOR SHIPS UNDER CONSTRUCTION ARE REDUCED TO THE EXTENT FOREIGN EQUIPMENT IS UTILIZED. ABBOTT INQUIRED AS TO STATUS OF PROPOSED REGULATIONS ON REQUIREMENTS OF US VESSELS RECEIVING OPERATING SUBSIDIES TO PURCHASE US CONTAINERS (REFERRED TO IN GATT NTB INVENTORY-338). FINALLY, THE EC REITERATED CONCERN WITH US PROHIBITION ON USE OF FOREIGN BUILT DREDGES, SALVAGE SHIPS, ETC.

4. US GAVE EXPLANATION OF STATUTES INVOLVED AND OBSERVED THAT EC COMMENT DEMONSTRATED THE INTERRELATIONSHIP OF VARIOUS PROBLEMS IN THE SHIPPING AND SHIP BUILDING INDUSTRIES THAT ARE NOT SUSCEPTIBLE TO SIMPLE SOLUTIONS. US LAWS ARE DESIGNED TO PROMOTE US SHIPPING INDUSTRY, PARTICULARLY FOR NATIONAL SECURITY REASONS. THESE LAWS PREDATE THE GATT AND THEREFORE ARE PERMITTED UNDER THE GATT PROTOCOL OF PROVISIONAL APPLICATION (PPA). WE PROMISED TO SEEK AN UPDATE WITH RESPECT TO US VESSEL REQUIREMENTS ON PURCHASE OF CONTAINERS.

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5. EC RESPONDED THAT PPA COVER IS NOT EXCUSE FOR MAINTAINING LEGISLATION INDEFINITELY. THEY EXPRESSED INTEREST IN ACHIEVING GREATER ACCESS TO US MARKETS WITHIN THE CONTEXT OF THE MTN. IN CLOSING, ABBOTT STATED THAT EC PLANNED TO RAISE US DUTY ON SHIP REPAIRS, WHICH IS NOT SUBJECT TO US TARIFF CUTTING AUTHORITY, IN THE APPROPRIATE NTM CONTEXT.

6. MANUFACTURING CLAUSE OF US COPYRIGHT ACT; EC RECITED WELL-KNOWN CONCERNS WITH DE FACTO PROHIBITION OF IMPORTS OF ENGLISH LANGUAGE BOOKS PUBLISHED ABROAD BY US AUTHORS OR RESIDENTS. THEY REGISTERED DISSATISFACTION WITH THE CANADIAN EXEMPTION FROM THIS PROHIBITION IN THE NEWLY AMENDED COPYRIGHT LAW, CLAIMING THAT SUCH AN EXEMPTION IS CONTRARY TO THE GATT MFN RULE. ABBOTT VIEWED THE TERMINATION DATE OF 1982 PROVIDED IN THE AMENDED LAW AS UNCERTAIN SINCE IT COULD BE EXTENDED BY CONGRESS. HE STATED THAT THE AMOUNT THE EC IS WILLING TO NEGOTIATE IS LIMITED UNLESS ASSURANCE COULD BE PROVIDED THAT CONGRESS WILL NOT PORTPONE THE TERMINATION DATE OF THE MANUFACTURING
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7. THE US DESCRIBED THE LAW'S PROVISIONS, NOTING THE NARROWNESS OF ITS SCOPE AND THE FACT THAT THE LAW IS COVERED BY THE PPA. WE EXPLAINED THE SIGNIFICANT LIBERALIZATIONS OF THIS CLAUSE IN THE RECENTLY AMENDED LAW, INCLUDING A NEW EXCEPTION WHICH ALLOWS AN AUTHOR, UNDER CERTAIN CIRCUMSTANCES, TO ARRANGE FOR FOREIGN PUBLICATION AND NOT BE SUBJECT TO THE MANUFACTURING CLAUSE. THE CANADIAN EXEMPTION WAS EXPLAINED AS STEMMING FROM THE CLOSE RELATIONSHIP OF THE US AND CANADIAN PRINTING INDUSTRIES. WE ASSERTED THAT RECENT DEVELOPMENTS, VIEWED IN OVERALL TERMS, SHOULD PRESENT ENCOURAGING PROSPECTS FOR THE EC IN THIS AREA. ALTHOUGH THE EC APPRECIATED THE MOVEMENT TOWARD GREATER LIBERALIZATION, ABBOTT REITERATED THAT CANADIAN EXCEPTION IS INCONSISTENT WITH BASIC US GATT OBLIGATIONS.

8. FIREARMS: EC CRITICIZED US PROHIBITION ON THE IMPORT OF CERTAIN FIREARMS UNLESS APPROVED BY THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS AS BEING CONTRARY TO GATT SINCE EQUIVALENT PROHIBITION DOES NOT APPLY TO DOMESTIC MERCHANDISE. ABBOTT URGED THE US TO TAKE THE OPPORTUNITY OF THE MTN TO COMPLY WITH GATT OBLIGATIONS, BUT SAID THEY ARE NOT WILLING TO NEGOTIATE ON THIS ITEM SINCE IT IS CONTRARY TO GATT. EC OBJECTIONS, HE SAID, WERE ON GROUNDS OF PRINCIPLE AS WELL AS TRADE.

9. US NOTED THAT EC HAD SIGNIFICANT EXPORTS OF FIREARMS AND THEIR PARTS TO THE US IN RECENT YEARS. US RECOUNTED PAST EFFORTS OF THE EXECUTIVE BRANCH TO GAIN GUN CONTROL ON "SATURDAY NIGHT SPECIALS" AND TOOK NOTE OF EC'S OBJECTION TO THIS LAW ON PRINCIPLE OF NON-
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DISCRIMINATION. US POINTED OUT THAT THE GATT ARTICLE XX(B) ALLOWS US TO TAKE MEASURES TO PROTECT THE SAFETY OF ITS CITIZENS.

10. SUMMARY OF DISCUSSION ON U.S. NOTIFICATIONS ON EC MEMBER STATE QRS FOLLOWS (COUNTRIES NOTIFIED ARE INDICATED IN PARENTHESES). EC SAID THAT THEY WOULD ATTEMPT TO PROVIDE ACTUAL SIZE OF QUOTAS WHERE POSSIBLE. (IN PARENTHETICAL PHRASE, ABBOTT SAID EC'S BIGGEST TASK HAS BEEN TO DISCOVER ON WHICH PRODUCTS MEMBER STATES HAVE QRS WITH FURTHER DETAILS BEING ELUSIVE.) ALTHOUGH THE COMMISSION SPOKE ON ALL MEMBER STATE QRS, MEMBER STATES CONTRIBUTED FREELY IN THE DISCUSSION.

A. COAL (BENELUX, GERMANY, FRANCE); COKE (BENELUX, FRANCE); WAX (FRANCE): EC SAID ENERGY PRODUCTS (CHAPTER 27

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OF CCCN) WERE SENSITIVE ITEMS FOR ALL COUNTRIES AND THAT
THEY WOULD LIKELY BE SUBJECT TO SPECIAL RULES IN THE MTN.
BENELUX CONFIRMED GLOBAL QUOTA FOR THIRD COUNTRIES THAT
ARE MEMBERS OF GATT AND WILL CLARIFY WHETHER QUOTA IS
APPLICABLE TO INDUSTRIAL COAL AS WELL AS COAL FOR DOMESTIC
USE. FRANCE MAINTAINS STATE TRADING AGENCY WHICH ISSUES
LICENSES FOR IMPORTS TO MAKE UP SHORT-FALL IN DOMESTIC
PRODUCTION. WAX IS CONTROLLED BY A STATE TRADING AGENCY
THAT DEALS WITH ALL PETROLEUM PRODUCTS. LEGISLATION

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FOR THIS REGIME PREDATES THE GATT AND IS COVERED BY
THE PPA. GATT ARTICLE XVII COULD ALSO BE USED AS JUSTI-
FICATION. GERMANY CONFIRMED GLOBAL QUOTA ESTABLISHED UNDER
GATT ARTICLE XIX ACTION. EC INDICATED THAT A LICENSING
SYSTEM EXISTS TO ADMINISTER THE QUOTAS.

B. OXYSALT (BELGIUM, LUXEMBOURG): EC BELIEVES THIS
ITEM IS NOT SUBJECT TO RESTRICTIONS BUT WILL CHECK FURTHER.

C. SODIUM ANHYDRIDE (BELGIUM/LUXEMBOURG): NO QRS
APPLY.

D. ALCOHOL (DENMARK): INDUSTRIAL ALCOHOL IS LIBER-
ALIZED.

E. TETRAETHYL LEAD AND ANTIKNOCK COMPOUNDS BASED ON

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TETRAETHYL LEAD (ITALY): QUOTA WITH LICENSING SYSTEM IS
APPLIED TO MOST GATT CONTRACTING PARTIES BUT NOT WITH
RESPECT TO COUNTRIES WITH WHICH THE EC HAS FREE TRADE RE-
LATIONS. THE RESTRICTION ONLY APPLIES TO CHAPTER A OF
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CCCN 29.34 AND 38.14. NO GATT JUSTIFICATION WAS PROVIDED,
BUT EC POINTED TO SENSITIVITY OF PETROLEUM INDUSTRY IN
ITALY AS RATIONALE FOR RESTRICTIONS.

F. PENICILLIN (BELGIUM/LUXEMBOURG): NO QRS APPLY.

G. NITROGENOUS FERTILIZERS (BELGIUM/LUXEMBOURG):
LICENSES ARE GRANTED AUTOMATICALLY FOR PRODUCTS
COVERED BY PART C OF CCCN 31.02 (PARTS A AND B ARE LIBER-
ALIZED). LICENSING IS NECESSARY TO CONDUCT SURVEILLANCE
TO ENSURE BALANCE IS MAINTAINED BETWEEN DOMESTIC PRO-
DUCTION AND DEMAND.

H. CERTAIN INDUSTRIAL CHEMICALS (BELGIUM/LUXEMBOURG):
EC ASKED US TO BE MORE SPECIFIC IN ITS NOTIFI-
CATION, BUT SPECULATED THAT THESE PRODUCTS ARE NOT LIKELY
TO BE SUBJECT TO RESTRICTION SINCE SIMILAR TYPES
OF PRODUCTS ARE LIBERALIZED.

I. CINEMATOGRAPHIC FILM (FRANCE, U.K., ITALY) AND
VIDEO TAPE (U.K.): ITALY MAINTAINS A SCREEN-TIME QUOTA
REGIME AND WILL CONFIRM SPECIFICS OF RESTRICTIONS. FRANCE
ASSERTED THEY DO NOT MAINTAIN A QUOTA OR SCREEN TIME
QUOTA ON MOTION PICTURES. U.K. MAINTAINS A SCREEN TIME
QUOTA ON MOTION PICTURES AND CONFIRMED THAT BRITISH TV
IS UNDER A GENERAL "DUTY" TO ENSURE "PROPER PROPORTION"
TO TV PROGRAMMING. U.K. REPRESENTATIVE PROMISED TO CONFIRM
SPECIFICS OF THE LIMITATIONS. EC MAINTAINED THAT
ITALY AND U.K. SCREEN TIME QUOTAS ARE IN CONFORMITY WITH
GATT ARTICLE IV.

J. RUBBER TRANSMISSION BELTS (DENMARK): NO QRS APPLY.

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K. TABLEWARE OF POTTERY (FRANCE): GLOBAL QUOTAS IN
EFFECT, BUT ARE NOT APPLIED TO US IMPORTS. THIS EXCEPTION
IS GIVEN TO ALL FORMER OEEC COUNTRIES UNDER A QR LIBERALIZATION
SCHEME SPONSORED BY THAT ORGANIZATION.

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L. ZINC PLATES AND PRODUCTS (BENELUX): A QUOTA/
LICENSING SYSTEM APPLIES, BUT NOT ON US IMPORTS.

M. ELECTRONIC CALCULATING MACHINES (BENELUX):
NO QRS APPLY.

N. DIODES, TRANSISTORS AND SIMILAR SEMI-CONDUCTOR
DEVICES; ELECTRONIC MICRO-CIRCUITS AND PARTS (FRANCE):
GLOBAL QUOTA IS MAINTAINED WITH LICENSING SYSTEM. THE
RESTRICTION IS APPLIED ON ALL COUNTRIES WITH EXCEPTION
OF EC MEMBER STATES. NATIONAL SECURITY UNDER GATT
ARTICLE XXI IS CITED AS PRIMARY REASON FOR RESTRICTION.
FRENCH REPRESENTATIVE EXPLAINED THAT THE RESTRICTIONS
ARE OLD, WITH ORIGINS IN POST-WAR PERIOD, AND
MAY HAVE EXISTED PRIOR TO THE GATT.

O. MOTOR VEHICLES (IRELAND): CONFIRMED THE DE FACTO
PROHIBITION ON US IMPORTS, BUT NOTED THAT IMPORTED AUTOS
IN "CKD" (KNOCKED DOWN, READY FOR ASSEMBLY) CONDITION CAN
BE FREELY IMPORTED.

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IRISH REP SAID PROHIBITION IS SCHEDULED
TO TERMINATE IN 1984 FOR IMPORTS FROM ALL SOURCES.
NO GATT ARTICLE GIVEN FOR JUSTIFICATION, BUT PROGRAM IS
IN PLACE TO PROVIDE OPPORTUNITY TO FIND ALTERNATIVE EMPLOY-
MENT FOR WORKERS IN THIS FIELD.

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P. FLYING MACHINES OVER 15,000 KGS (FRANCE): GLOBAL
QUOTA WITH LICENSING SYSTEM IS MAINTAINED WITH RESPECT TO
CCCN 88.02A AND B II (C). THE RESTRICTION IS APPLIED
UNDER GATT ARTICLE XXI FOR NATIONAL SECURITY REASONS. DELAYS
IN ISSUING LICENSES STEM FROM ASCERTAINING CONFORMANCE
WITH STRICT SAFETY REGULATIONS. EC SPECULATED THAT US
ENCOUNTERS WITH RESTRICTIONS ON THESE PRODUCTS
ARE PROBABLY MORE A QUESTION OF GOVERNMENT PROCUREMENT
THAN A QR.

Q. PHARMACEUTICALS (ITALY, BELGIUM/LUXEMBOURG):
EC CONFIRMED MAXIMUM PRICE CEILINGS ARE IN
EFFECT BUT MAINTAINED THAT EQUAL TREATMENT IS GIVEN
FOR DOMESTIC AND IMPORTED PHARMACEUTICALS. EC ASSERTED
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THAT THESE PROGRAMS ARE NOT RESTRICTIVE IN EFFECT AND
ARE DESIGNED FOR CONSUMER PROTECTION. BELGIAN REP
AGREED TO CONFIRM SPECIFICS OF HOW CEILING PRICE IS
ESTABLISHED FOR IMPORTS.

11. REPORTS: ALTHOUGH THE EC IS WILLING TO DISCUSS A
DRAFT JOINT REPORT WITH THE US, THEY INTEND TO SUBMIT
THEIR OWN REPORT IN ANY EVENT.

12. ACTION REQUESTED: PLEASE PROVIDE INFORMATION ON CURRENT
US REGULATIONS ON CONTAINER PURCHASES FOR US
VESSELS WHICH BENEFIT FROM OPERATING SUBSIDIES (PARA 3),
AND INDICATION AS TO SPECIFIC INDUSTRIAL CHEMICALS OF
US INTEREST (PARA 10/H).GRAEF

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# Message Attributes

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**Disposition Approved on Date:**
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**Disposition Comment:** 25 YEAR REVIEW
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**Message ID:** 19666078-c288-dd11-92da-001cc4696bcc
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**Original Handling Restrictions:** n/a
**Original Previous Classification:** n/a
**Original Previous Handling Restrictions:** n/a
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**Subject:** US-EC QR CONSULTATIONS UNDER NTM SUBGROUP PROCEDURES
**TAGS:** ETRD, EWWT, US, XT, MTN, EEC
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**Type:** TE
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**Review Markings:**
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